

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MARY BELL WITHERSPOON,)
)
 Plaintiff,)
v.) No. 3:05-0530
) JUDGE ECHOLS
VERIZON WIRELESS,)
)
 Defendant.)

ORDER

In accordance with the Memorandum entered contemporaneously herewith, the Court rules as follows:

(1) the Magistrate Judge's Report and Recommendation (Docket Entry No. 39), is hereby ACCEPTED.

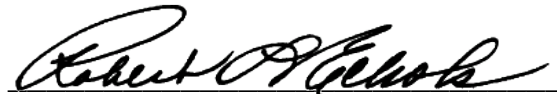
(2) *Pro se* Plaintiff's Objections to Magistrate's Report and Recommendation (Docket Entry No. 42), are hereby OVERRULED.

(3) Defendant's Motion for Summary Judgment (Docket Entry No. 16), is hereby GRANTED IN PART AND DENIED IN PART. The Motion is GRANTED with respect to Plaintiff's race, gender, and age discrimination claims brought under Title VII, 42 U.S.C. § 2000e *et seq.*, and the Age Discrimination In Employment Act ("ADEA"), 29 U.S.C. § 623 *et seq.*, but the Motion is DENIED with respect to Plaintiff's claim for overtime pay under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 *et seq.*

(4) Plaintiff's claims for race, gender and age discrimination brought under Title VII and the ADEA are hereby DISMISSED WITH PREJUDICE.

(5) Because Defendant represents to the Court that it will satisfy Plaintiff's remaining FLSA claim, Defendant may have two weeks after entry of this Memorandum and Order to satisfy Plaintiff's FLSA claim and file a notice of satisfaction of the claim with the Court, at which time final Judgment will be entered. In the event the FLSA claim is not satisfied, the Court will return the case to the Magistrate Judge to schedule an evidentiary hearing on the remaining FLSA claim.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", is written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE